

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

AARON L. HARTMAN,	:	CIVIL ACTION NO. 09-5028
Plaintiff	:	
	:	
v.	:	Philadelphia, Pennsylvania
	:	March 9, 2010
NATIONAL BOARD OF MEDICAL	:	2:20 o'clock p.m.
EXAMINERS,	:	
Defendant	:	
• • • • •	:	

PRELIMINARY INJUNCTION HEARING - DAY 6
BEFORE THE HONORABLE LOUIS H. POLLAK
UNITED STATES DISTRICT COURT JUDGE

- - -

APPEARANCES:

For the Plaintiff:	CHARLES WEINER, ESQUIRE Law Offices of Charles Weiner 179 North Broad Street Doylestown, PA 18901
For the Defendant:	GRACE M. DEON, ESQUIRE Eastburn & Gray PC 60 E. Court Street P.O. Box 1389 Doylestown, PA 18909-0137

- - -

Audio Operator: Megan McDevitt

Transcribed by: Geraldine C. Laws, CET

(Proceedings recorded by The Record Player digital sound recording; transcript provided by AAERT-certified transcriber.)

Laws Transcription Service
48 W. LaCrosse Avenue
Lansdowne, PA 19050
(610) 623-4178

1 (The following occurred in open court at 2:20
2 o'clock p.m.)

3 THE COURT: I hope you will kindly forgive me for
4 not being as you would think properly garbed in a robe and
5 all that apparatus. It seemed to me that maybe I could get
6 away without wearing a robe now that we've completed the
7 taking of testimony. There won't be witnesses to be puzzled
8 about why Pollak was out of uniform.

9 With the assistance of very able counsel, the
10 hearing on the request for a preliminary injunction has not
11 merely been completed, but completed in a manner which has
12 been very educational. For the Court I'm deeply grateful on
13 the professionalism and precision with which significant
14 issues have been presented. These are significant issues,
15 both the plaintiff's claim and the defendant's responses.

16 I have resolved the motion for a preliminary
17 injunction. The resolution is reflected in a memorandum
18 which I'll give to you in just a minute or two. But I wanted
19 to say just a few words about it. You will see that it does
20 two things, and because it does two things, that it will not
21 meet with entire satisfaction that either the plaintiff or
22 the defendant have urged.

23 The motion for a preliminary injunction has been
24 granted in substantial measure. But the grant of preliminary
25 injunction comes with two strings attached: One of timing

1 and one of substance. And it may not reasonably be expected
2 that plaintiff will be entirely happy with those strings.
3 The strings are conditions with respect to the grant of a
4 preliminary injunction, but are designed to reflect an
5 interest advanced by the defendant, an interest which I
6 concluded did not in the current setting outweigh the
7 plaintiff's interests, but which I thought was substantial
8 enough so that it would be appropriate for me to reflect that
9 interest in the two limitations I have placed on the granting
10 of preliminary injunctive relief to the plaintiff.

11 As you will see, the memorandum that I'm about to
12 hand out to you does not contain an order attached. It does
13 by way of conclusion have a paragraph requesting the parties
14 jointly to prepare a form of order which accomplishes what is
15 prescribed by the memorandum. And that jointly prepared form
16 of order is duly filed no later than this coming Friday,
17 March the 12th.

18 I anticipate you will be able to agree on a form of
19 order, and the form of order which you agree upon is in all
20 likelihood in a form that I will agree to, though I have to
21 reserve my independence to depart from your joint submission
22 if I think it necessary.

23 Well, that's all I wanted to say this afternoon here
24 from the bench. I will give you each two copies of this
25 memorandum and accompany those with my thanks to you.

1 MS. DEON: Thank you, you Honor.

2 MR. WEINER: Thank you, your Honor.

3 MS. DEON: Nice to see you again.

4 THE COURT: Thank you, Mr. Weiner. And thank you.

5 Thank you all for your kind attention to our
6 activities here. We are in recess.

7 (Proceedings concluded at 2:29 o'clock p.m.)

CERTIFICATION

I hereby certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

s:/Geraldine C. Laws, CET
Laws Transcription Service

Dated 5/21/10